AN 2

ORDINANCE

OF THE

LORDS and COMMONS

Assembled in

PARLIAMENT,

For

The repairing of CHURCHES, and paying of all

Church-Duties

Whatsoever within the Kingdome of *England*, and Dominion of *Wales*.

Die Mercurii, 9 *Februarii*. 1647.

ORdered by the Lords Assembled in Parliament, That this Ordinance for repairing of Churches, and paying of Church-Duties, be forthwith Printed and published, and sent to all Churches and Chappels within the Kingdome of England and Dominion of Wales.

Ioh. Brown Cler. Parliamentorum.

Imprinted at *London* for *John Wright* at the Kings Head in the old Bayley. 1647.

Die Mercurii, 9. Februarii. 1647.

An Ordinance for repairing Churches, and for payment of Church-Duties.

FOr the upholding and keeping all Pariſh Churches and Chappels within this Kingdome of *England* and Dominion of *Wales*, from utter ruine and decay, and for payment of Church-Duties, It is Ordered and Ordained by the Lords and Commons Aſſembled in Parliament, that foure, three, two, or one ſubſtantiall Inhabitant or Inhabitants of every pariſh or Chappelry aforeſaid, (having reſpect to the proportions or greatneſſe of every ſuch Pariſh or Chappelry) ſhall be nominated and choſen yearly on the Munday or Tueſday in Eaſter weeke, by the Parriſhioners of every Pariſh or Chappelry, (which are or ſhall be rateable to the repaire of any ſuch Church or Chappell) or the greateſt part of ſuch of them as ſhall be then aſſembled for the choyce of Officers within the Pariſh or Chappelry, to be Church-warden, or Church-wardens, or Collectors of moneyes for Church-Duties, within every ſuch Pariſh or Chappelry reſpectively, where any ſuch Church-warden or Church-wardens have or hath been formerly uſed to be nominated or choſen; or in default hereof, every ſuch Pariſh or Chappelry ſhall forfeit

the ſumme of forty ſhillings, to the uſe of the poore of the ſaid pariſh, to be recovered as is hereafter expreſſed; which Church-wardens or Collectors ſo to be choſen, are within one moneth after their choyce to be allowed and approved of, under the hands and ſeales of two of the next Juſtices adjoyning to the pariſh or Chapelry aforeſaid.

And it is further Ordained, That the Church-wardens, or Collectors aforeſaid, together with the Overſeers of the poore of the ſame pariſh or chappelry, or the greater part of them, upon publike notice thereof firſt to be given by the church-wardens in the ſaid Church or Chappell, ſhall from time to time make rates or aſſeſſements, by taxation of every Inhabitant dwelling or reſiding within ſuch pariſh or Chappelry, and of every Occupier of Lands, houſes, tythes improbriate, or improbriation of tythes, colemnies, or ſaleable underwoods, or other hereditaments, within the ſaid pariſh or chappelry, in ſuch competent ſumme and ſummes of money as they ſhall thinke fit, for and towards the reparation and maintenance of every ſuch Pariſh Church or Chappell reſpectively, and providing of Books for the ſaid church or chappell, and of Bread and Wine to be uſed at the adminiſtration of the Sacrament there, and for repairing the walls and incloſures of the church yards, or burying places thereunto reſpectively belonging, and for doing and performing every ſuch thing and things as by this Ordinance is appointed to be done, at the charge of ſuch pariſh or chappelry; As alſo for the doing and executing of all and every matter, which to the office, place, or duty of the church-wardens of any ſuch place wherein they

ſhall

ſhall be reſpectively choſen, ſhall appertaine to be done; which ſaid church-warden or church-wardens ſhall within foure dayes after the end of their yeare, and after other Church-warden or Church-wardens nominated, make and yeelde to the ſucceeding church-wardens, and to ſuch Juſtices of the Peace as aforeſaid, a true and perfect accompt of all ſumms of money by them received, or rated and aſſeſſed, and not received; and of all other things concerning their ſaid Office, and ſuch ſum or ſums of money as ſhall be in their hands, ſhall pay and deliver over to the ſaid churchwarden or churchwardens newly nominated and appointed as aforeſaid, upon paine that every one of them being negligent or faulty therein, or in the execution of their ſaid office, ſhall forfeit for every ſuch default or negligence, the ſum of twenty ſhillings to the uſe of the poore of ſuch pariſh or chappelry, as aforeſaid, whereof he ſhall bee church-warden. And it is Ordained by the Authority aforeſaid, That all Rates, Taxations, and Aſſeſſements, heretofore made by the church-warden or church-wardens of any Pariſh or Chappelry aforeſaid, by themſelves or with others, acording to the cuſtome of ſuch pariſh or chappelry, ſince the firſt day of March, in the yeare of our Lord God 1641. for or towards the repaire of any church or chappell reſpectively, or doing of any thing appointed by this Ordinance to be done, if they ſhall now be confirmed by the two next Juſtices of the Peace, they ſhall ſtand and be as good and effectuall in the Law, to all intents and purpoſes as if the ſame were to be made or done by and according to this Ordinance: And that it ſhall and may be lawfull, as well for the preſent

as ſubſequent Church-wardens or Collectors, or any of them, their Rates being firſt confirmed by the two next Juſtices of the Peaae, by Warrant under the hands and ſeals of two ſuch Juſtices of the Peace within ſuch County or Townes corporate, to leavie as well all and every the ſaid ſummes of money, and all Arrerages of every one which ſhall refuſe or neglect to pay or contribute their rateable parts of ſuch Aſſeſſements as aforeſaid, and the forfeitures before mentioned by diſtreſſe, and ſale of the Offenders goods, as alſo all and every the ſumme and ſummes of Money which ſhall be behinde upon any Church-wardens Accompt, for, or concerning the repaire of any ſuch Church or Chappell, or other the things aforeſaid; and likewiſe the ſumme of two ſhillings for and towards the charge and expence in leavying of the ſame, rendering to the party or parties the overplus; and in default of ſuch Diſtreſſe it ſhall bee lawfull for any two ſuch Juſtices of the Peace to commit him, or her, or them ſo refuſing, or neglecting as aforeſaid to the Common Goale of the County, City, or Towne corporate reſpectively, where ſuch Juſtices of the Peace are, and ſuch offences ſhall be committed, there to remaine without Bayle or Mainprize, untill payment of the ſaid ſeverall ſummes and Arrerages; and to commit to the ſaid Priſon, every one of the ſaid Church-wardens which ſhall refuſe to accompt, there to remaine without Bayle or Mainprize, untill he hath made a true Accompt, and ſatisfied and paid ſo much as upon the ſaid Accompt ſhall be remaining in his hands. Provided alwaies, That if any perſon or perſons ſhall finde him, or her, or themſelves agrieved with any

Aſſeſſe-

Aſſeſſement, or Tax, or other act done by the ſaid Church-warden or Church-wardens, or by the ſaid Juſtices of the Peace, or any of them, that then it ſhall and may be lawfull for the party grieved to complaine thereof at the next generall Quarter Seſſions of the Peace, where the Juſtices of the Peace, or the great unmber of them ſhall make ſuch order therein, as to them ſhall be thought convenient, and the ſame to conclude and binde all the ſaid parties.

And be it further Ordained, that the Mayors, Bayliffs, or other head Officers of every City, Town, or place corporate within this Realme, or the Dominion of *Wales*, being Juſtice, or Juſtices of the Peace, ſhall have the ſame authority by vertues of this Ordinance within the ſeverall limits and precincts of their jurisdictions, as well out of Seſſions as at their Seſſions, if they ſhall hold any, as is before limited, preſcribed, and appointed to Juſtices of the Peace of the County, or any two or more of them, or to the Juſtices of the Peace in their Quarter Seſſions, to doe and execute for all the uſes and purpoſes in this preſent Ordinance preſcribed, and no other Juſtice, or Juſtices of the Peace to intermeddle there; and that every Alderman of the City of *London* within his Ward, ſhall and may doe and execute in every reſpect ſo much as is appointed and allowed in this Ordinance to be done, and executed by one or two Juſtices of the Peace of any County within this Realme. And be it alſo Ordained: That if it ſhall happen that any Pariſh doe extend it ſelfe into more Counties then one, or part thereof to lye within the Liberties of any City, Town or place corporate, and part without, that then the

Juſtices

Justices of the Peace of every County, as also the head Officer, or Officers, or Justices of the Peace of such City, Towne, or place corporate, shall deale and intermeddle onely in so much of the said Parish as lyeth within their Liberties, and not any further; and every of them respectively within their severall Limits, Wards and Jurisdictions, to execute the Ordinance aforementioned concerning the confirming of Rates, the giving of Warrant for the leavying of Taxes unpaid, the committing to prison such as refuse or neglect to pay their rateable part of the said Assessements having no sufficient Distresse, the taking Accompts of Churchwardens, and the committing to prison such as refuse to accompt, or deny to pay the Arrerages due upon their Accompts; and yet nevertheless the churchwardens, or the greatest number of them of the said Parishes extending into such severall Limits & Jurisdictions, shall without dividing themselves duly execute their office in all places within their said Parish in all things to them belonging; and shall duly exhibite and make one accompt before the head officer, or officers, or Justices of the peace of such Towne, or place corporate, and one other before the Justices of the said County, or any such two of them as is aforesaid.

And be it further Ordained, that if any action of trespasse, or other suit shall happen to be attempted, or brought against any person, or persons, for taking any distresse, or making any sale, or any other thing doing by the authority of this present Ordinance, the defendant or defendants in any such action or suit, and all others which in their aid and assistance, or by their commands shall doe any act or thing

touching

touching or concerning the premiſſes, or any of them, or his or their Officer, or Officers, it ſhall and may be lawfull for them, and every of them to plead the generall iſſue, that he or they are not guilty, and to give ſuch ſpeciall matter in evidence to the Jury which ſhall try the ſame, which ſpeciall matter being pleaded had been a good and ſufficient matter in Law to have diſcharged the ſaid Defendant or Defendants of the Treſpaſſe or other matter laid to his charge, and that if upon the triall of any ſuch Action or Suit, the plaintiffe or plaintiffes ſhall not prove to the Jury which ſhall try the ſame, that the fact or cauſe of his or their Action or Suit, was, or were had, made, committed, or done within the County wherein ſuch Action or Suit ſhall be laid, That then in every ſuch caſe the Jury which ſhall try the ſame ſhall find the defendant or defendants in every ſuch Action or Suit not guilty, without having any reſpect or regard to any evidence given by the Plaintiffe or Plaintiffes therein, touching the Treſpaſſe, fact, or cauſe, for which the ſame Action or Suit is or ſhall be brought, and that if the verdict ſhall paſſe with the ſaid Defendant or Defendants in ſuch Action, or the Plaintiffe or Plaintiffes therein, become non-ſuit, or ſuffer any diſcontinuance thereof, that in every ſuch caſe the Juſtice or Juſtices, or ſuch other Judge, or Court before whom the ſaid matter ſhall be tried or depending, ſhall by force and vertue of this Ordinance allow unto the defendant or defendants his or their double coſts which he or they ſhal have ſuſtained by reaſon of his or their wrongfull vexation in defence of the ſaid Suit or Action, for which the ſaid defendant or de-

fendants, ſhall have like remedy, as in other caſes where coſt by the Law of this Realm are given to the defendants: and for as much as the Churchwardens or Collectors aforeſaid may peradventure be careleſs or negligent in performing their duty, it is further Ordered and Ordained, that upon complaint made to the two next Juſtices, or one of them, or other information had thereof, the aforeſaid Juſtices, or one of them, ſhall or may in their own perſons view the ſaid Churches or Chappels, or appoint the Miniſter, and ſome other of the Pariſhioners to certifie unto them, or one of them, what reparations are or ſhall be needful, and thereupon they or one of them ſhall by a Warrant under their hand ands ſeals to the Church-wardens order and direct what reparations ſhall be done within the ſaid Churches or Chappels, and limit and appoint the time for the doing of the ſame; & if the Order aforeſaid be not performed, they ſhall bind over the ſaid church-wardens or collectors, or any of them, for their negligence herein to the next Seſſions of the Peace, where if the Court ſhall allow of the Order, the Offender or Offenders upon due proof of his or their negligence or offence herein ſhall be ſeverally fined, ſo as the fine exceeds not forty ſhillings upon any one of them, and the offender is to be committed untill the fine be paid, which is to be diſpoſed of to the uſe of the poor, of the ſaid Pariſh or Chappelry. Provided alwaies, and it is the intent and meaning of the ſaid Ordinance, that the Pariſhioners, and the Church-wardens of any Pariſh or Chappelry ſhall not be charged with, or lyable unto the repayring any Chancell, or Chancels, or of any particular Iſle in Churches or Chappels, which have

have formerly by preſcription, or cuſtome been uſed to be repaired by the Parſons or Vicars, Impropriators, or others, but that the ſaid Parſons, Vicars, Impropriators, and all other perſons whatſoever both politique and corporate, their heires and ſucceſſors, which have formerly beene liable to the raperations of all or any part of any Church, Chappell, Chancell, Iſle, or other place belonging to the ſame by any cuſtome whatſoever, ſhall ſtill be lyable to the ſame to all intents and purpoſes; and for their negligence herein ſhall and may be Ordered by the two next Juſtices, or ſhall or may be preſented, or indicted by the Church-wardens or any others, at the next Seſſions of the Peace, where the offender for his offence herein ſhall be fined and proceeded againſt in ſuch manner as the Church-warden for his negligence is to be proceeded againſt by vertue of this Ordinance. Provided alſo, where any Pariſh or Chappelry hath any Lands or Tenements or yearly Rents, or Annuities formerly given to the repairing of their Churches or Chappels and for Church-Duties, the Church-wardens or Collectors aforeſaid ſhall be from henceforth Receivers of the ſaid Rents and profits, and ſhall have power by Warrant from the Juſtices, to cauſe the parties who ought to pay the ſame to be bound over to the next Seſſions, where they ſhall be, upon due proofe and hearing the ſaid Parties, ordered to pay the ſaid Rents and forfits to the Church-wardens, and Collectors aforeſaid, who ſhall diſpoſe of the ſame according as it ought to be diſpoſed of, and thereby eaſe the Pariſh of ſo much of the charge, and ſhall yearly accompt for the ſame in their accompts as Church-

wardens;

wardens; Provided that this Ordinance, as to the repairing of Churches ſhall not extend to Pariſhes or Chappelries where the Churches or Chappels are totally ſubverted or ruined by theſe unhappy Wars, extremity of age, or other caſualties, nor to any cathedrals, or collegiate churches, which are onely to be repaired as formerly they have been uſed and accuſtomed. And laſtly it is Ordained, That all offences againſt this Ordinance ſhall and may be enquired of, heard, and determined before His Majeſties Juſtices of Aſſize, of Oyer and Terminer, or Goale delivery, or before the Juſtices of the Peace of any County, City, or Towne corporate, where any ſuch offence ſhall be committed by proof of Witneſſes upon Oath, which the Juſtices aforeſaid ſhall hereby have power to adminiſter, and at their generall Seſſions of the Peace by Indictment, Information, or otherwiſe, as the caſe ſhall require, wherein no wager of Law, Eſſoyne, Protection, or Injunction ſhall be admitted or allowed. And it is further Ordered by the Lords and Commons aforeſaid, That all and every Sextin, or Pariſh-clerke within any of the pariſhes aforeſaid, ſhall have their due Fees from the ſeverall pariſhes, to be ordered and recovered by Warrant from the Juſtices in ſuch manner as the Rates made for Church-wardens are ordered to be leavied by this Ordinance; and that they be elected and choſen in ſuch manner as formerly in every Pariſh hath been accuſtomed.

Joh. Browne Cler. Parliamentorum.

FINIS.